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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the Matter of Registration No. 2,186,998

Trademark: QUILTWASH

Registered on June 23, 1998

07-25-2003

U.S. Patent & TMO/c/TM Mail Rcpt Dt. #22

FAIRFIELD PROCESSING CORP.,

Petitioner,

vs.

THE BUROW GROUP, INC.,

Respondent.

Cancellation No. 92042081

RESPONDENT'S ANSWER TO PETITION  
FOR CANCELLATION

07-25-2003 14 07 03

**RESPONDENT'S ANSWER TO PETITION FOR CANCELLATION**

The Burow Group, Inc., hereinafter referred to as "RESPONDENT," by its attorney, responds as follows to the Petition for Cancellation filed on May 28, 2003 by Fairfield Processing Corp., hereinafter referred to as "PETITIONER" (copy mailed to RESPONDENT on June 13, 2003 by the Trademark Trial and Appeal Board).

With respect to the introductory paragraph of the Petition for Cancellation, RESPONDENT is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth, in that RESPONDENT is without knowledge of PETITIONER, or how the "continuing presence on the Supplemental Register of the term 'quiltwash'" is likely to damage PETITIONER, and on that basis denies each and every allegation contained therein, leaving PETITIONER to its proof thereof.

In Answer to the Petition for Cancellation, RESPONDENT avers as follows (per numbered paragraph of the Petition for Cancellation):

RESPONDENT admits that PETITIONER is “engaged in the sale of liquid cleaning compositions for use in washing quilts.” However, RESPONDENT is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations set forth in Paragraph 1, in that RESPONDENT is without knowledge of PETITIONER’S activities or “other businesses,” and on that basis denies each and every remaining allegation contained therein.

2. RESPONDENT admits that PETITIONER “has begun to market a liquid cleaning composition using the term ‘quiltwash.’”

3. RESPONDENT admits it informed PETITIONER of RESPONDENT'S use and registration of QUILTWASH, and that RESPONDENT holds exclusive rights to that mark.

4. RESPONDENT denies each and every allegation set forth in Paragraph 4.

5. RESPONDENT denies each and every allegation set forth in Paragraph 5.

6. RESPONDENT denies each and every allegation set forth in Paragraph 6.

7. RESPONDENT denies each and every allegation set forth in Paragraph 7.

8. RESPONDENT is without knowledge of those other than PETITIONER who or which may have used the term “quiltwash” for “pre-laundry preparations and laundry detergent for delicate fabrics and quilts,” and on that basis denies each and every allegation set forth in Paragraph 8.

9. RESPONDENT denies each and every allegation set forth in Paragraph 9.

10. RESPONDENT denies each and every allegation set forth in Paragraph 10.

11. RESPONDENT denies each and every allegation set forth in Paragraph 11.

12. RESPONDENT denies each and every allegation set forth in Paragraph 12.

13. RESPONDENT denies each and every allegation set forth in Paragraph 13.


**AFFIRMATIVE AND SPECIAL DEFENSES**

1. On information and belief, PETITIONER knew, or should have known, of RESPONDENT'S use of RESPONDENT'S mark prior to the filing of PETITIONER'S Petition for Cancellation, but waited an unreasonable period of time before filing such Petition. PETITIONER has therefore lost its right to now assert that it will be damaged by RESPONDENT'S registration under the doctrines of acquiescence, estoppel, and laches.

WHEREFORE, Respondent respectfully prays that this Petition for Cancellation be dismissed in its entirety, with prejudice, and that the Registration No. 2,186,998 be maintained.

Respectfully submitted,

Dated: July 22, 2003

  
Thomas W. Cook, Reg. No. 38,849  
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1 **CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8(a)**

2 I hereby certify that the attached RESPONDENT'S ANSWER TO PETITION FOR  
3 CANCELLATION is being deposited with the United States Postal Service with sufficient  
4 postage as first class mail in an envelope addressed to:

5 Box TTAB, No Fee  
6 Trademark Trial and Appeal Board  
7 Assistant Commissioner of Patents and Trademarks  
8 2900 Crystal Drive  
9 Arlington, Virginia 22202-3513.

10 on July 22, 2003.

  
Victor Tom

11 **CERTIFICATE OF SERVICE BY U.S. MAIL, 37 C.F.R. § 2.119(a)**

12 I hereby certify that the attached true and correct copy of the RESPONDENT'S  
13 ANSWER TO PETITION FOR CANCELLATION is being deposited with the United States  
14 Postal Service as first-class mail in an envelope addresses to:

15 Ware, Fressola, Van Der Sluys & Adolphson LLP  
16 P.O. Box 224  
17 755 Main Street, Building 5  
18 Monroe, Connecticut 06468-0224

19 Attention: Robert H. Ware, Esq.

20 on July 22, 2003.

  
Victor Tom